

80  
1/28/02  
KF

MCC:JJT:mel:2001V00126

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,  
Plaintiff

v.

JAKE MENDEZ;  
JESUS "JESSE" GONZALEZ;  
JAMES "JIMMY" SCARBOROUGH; and  
KELLY M. KEISER,  
Defendants

:  
:  
:  
: Civil No. 1:CV-00-2143  
: (McClure, J.)  
: (Blewitt, M.J.)  
:  
:  
:

FILED  
WILLIAMSPORT, PA

JAN 29 2002

MARY E. D'ANDREA, CLERK  
Per KF  
Deputy Clerk

DEFENDANTS' MOTION FOR RELIEF  
FROM THE APRIL 13, 2001 ORDER

Pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure, defendants ask the Court for relief from Judge Rambo's April 13, 2001, Order directing defendants not to remove plaintiff from this jurisdiction until the captioned case is terminated. Defendants make this request in order that the Bureau of Prisons may transfer plaintiff to an institution outside the Middle District of Pennsylvania which meets his security needs.

A brief in support of this motion has been filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

MARTIN C. CARLSON  
United States Attorney

A handwritten signature in cursive script, appearing to read "Joseph J. Terz".

JOSEPH J. TERZ  
Assistant U.S. Attorney  
MICHELE E. LINCALIS  
Paralegal Specialist  
316 Federal Building  
240 West Third Street  
Williamsport, PA 17703

Date: January 28, 2002

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,	:
Plaintiff	:
	:
v.	:
	: Civil No. 1:CV-00-2143
	: (Rambo, J.)
JAKE MENDEZ;	: (Blewitt, M.J.)
JESUS "JESSE" GONZALEZ;	:
JAMES "JIMMY" SCARBOROUGH; and	:
KELLY M. KEISER,	:
Defendants	:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

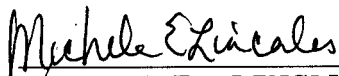
That this 28<sup>th</sup> day of January 2002, she served a copy of the attached

DEFENDANTS' MOTION FOR RELIEF  
FROM THE APRIL 13, 2001 ORDER

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

ADDRESSEE:

John Charles Kenney  
Reg. No. 05238-041  
U.S. Penitentiary  
P.O. Box 3000  
White Deer, PA 17887

  
MICHELE E. LINCALIS  
Paralegal Specialist

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-00-2143
	:	(McClure, J.)
JAKE MENDEZ;	:	(Blewitt, M.J.)
JESUS "JESSE" GONZALEZ;	:	
JAMES "JIMMY" SCARBOROUGH; and	:	
KELLY M. KEISER,	:	
Defendants	:	

O R D E R

NOW, this \_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of defendants' motion for relief from Judge Rambo's April 13, 2001, Order, **IT IS HEREBY ORDERED THAT** the motion is granted. The April 13, 2001, Order, insofar as it prohibits plaintiff's removal from this jurisdiction, is hereby **VACATED**.

---

THOMAS M. BLEWITT  
United States Magistrate Judge